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STATUS ON IRAQ

COMMUNICATION

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

A REPORT ON THE STATUS OF EFFORTS TO OBTAIN IRAQ'S COMPLIANCE WITH THE RESOLUTIONS ADOPTED BY THE U.N. SECURITY COUNCIL, PURSUANT TO PUB. L. 102-1, SEC. 3 (105 STAT. 4)



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THE WHITE HOUSE,
Washington, December 30, 1994.

Hon. THOMAS S. FOLEY,
Speaker of the House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Consistent with the Authorization for Use of Military Force Against Iraq Resolution (Public Law 102-1), and as part of my effort to keep the Congress fully informed, I am reporting on the status of efforts to obtain Iraq's compliance with the resolutions adopted by the U.N. Security Council.

The crisis precipitated in early October when Iraq moved significant numbers of ground forces toward its border with Kuwait has been largely resolved. Since my last report, Iraqi Republican Guard forces have redeployed north of the 32nd parallel, including some Republican Guard units that were south of the 32nd parallel prior to the crisis. Six Iraqi regular army divisions which were located in the south prior to the crisis continue to be deployed there. U.S. forces deployed to the Gulf in response to Iraq's actions will redeploy to the United States over the next several weeks. Some forces—primarily aircraft—will remain in the theater to deter further acts of Iraqi provocation and aggression. In order to enhance significantly our ability to strike at Iraqi tanks south of the 32nd parallel, Kuwait has agreed to permit us to base a squadron of 24 Air Force A-10s in Kuwait. We also have plans to increase the amount of prepositioned equipment in the Gulf which will be sufficient to outfit a division, thereby enhancing our ability to rapidly deploy a significantly larger and more capable ground force. To this end, Kuwait has agreed to permit the prepositioning of additional equipment to complete the armored brigade set that is already on the ground in Camp Doha.

The United Nations Security Council, in Resolution 949 of October 15, 1994, condemned Iraq's military deployment toward the border with Kuwait and demanded that Iraq: (1) Immediately withdraw all military units recently deployed to southern Iraq; (2) not again use its military or any other forces to threaten its neighbors or U.N. operations in Iraq; (3) not redeploy to the south those forces to be withdrawn or take any other action to enhance its military capacity in southern Iraq; and (4) cooperate fully with the U.N. Special Commission (UNSCOM). In order to ensure that Iraq fully understood our intentions, Ambassador Albright met with Iraq's U.N. Ambassador, Nizar Hamdun, and explained in precise terms what would constitute an Iraqi violation of Resolution 949. She also left no doubt that our response to any such violation would be swift and firm.

This recent episode is yet another indication that Iraq remains unwilling to comply with the will of the international community. We shall continue to insist that Iraq not threaten its neighbors or

intimidate the United Nations and that it take steps to ensure that it never again possesses weapons of mass destruction. The sanctions will be maintained until Iraq complies with all relevant provisions of U.N. Security Council resolutions.

On November 10 the Iraqi government, in an unqualified and irrevocable way, recognized the Iraq-Kuwait boundary demarcated by the relevant U.N. demarcation commission and the sovereignty, territorial integrity, and political independence of the State of Kuwait. This action represented a significant victory for the Security Council, which has resolved to accept nothing short of full compliance with the demands it has placed on Iraq. Although the Security Council welcomed this development, it has also made clear that it will follow closely Iraq's implementation of its decision and will also continue to keep under review Iraq's actions to complete its compliance with all relevant Security Council resolutions.

Iraq has still not complied with Security Council demands to resolve the issue of Kuwaiti MIAs, return Kuwaiti property stolen during the occupation, and renounce terrorism. Iraq has also not met its obligations under resolutions concerning Kuwaiti and third-country nationals it detained during the war and has taken no substantive steps to cooperate fully with the International Committee of the Red Cross (ICRC), beyond agreement to participate in a technical committee being organized by the ICRC. Iraq has also failed to comply with resolutions calling for the end of repression of segments of its civilian population, cooperation with international relief organizations and the equitable distribution of humanitarian relief supplies.

Cooperation by Iraq with the United Nations since 1991 has been meager, sporadic, selective and opportunistic. Taken as a whole, Iraq's record represents a stunning failure to meet the standard set by the Security Council when it set the terms for ending the Gulf War in Resolution 687: to assure the world community of its "peaceful intentions." The purpose of the drafters of Resolution 687—to ensure that Iraq could never again pose a threat to its neighbors or to regional peace and security—remains unfulfilled. On November 14 the Security Council, for the 22nd time, unanimously decided that existing sanctions against Iraq should not be modified.

Despite the lack of cooperation from the Government of Iraq, UNSCOM and the International Atomic Energy Agency have continued their efforts, with the assistance of the United States and other supporting nations, to implement a comprehensive and effective monitoring regime for Iraq. In consultation with UNSCOM Chairman Ekeus, the U.N. Secretary General reported on October 7 that this regime is "provisionally operational." This effort must be carefully designed to ensure that Iraq cannot rebuild its weapons of mass destruction (WMD) programs, including a covert nuclear program, as it did before the Gulf War, when it claimed to be in compliance with the Nuclear Nonproliferation Treaty. Continued vigilance is necessary because we believe that Saddam Hussein is committed to rebuilding his WMD capabilities.

Indeed, significant gaps in accounting for Iraq's past programs for WMD continue. There are unresolved issues in each of the four weapons categories (nuclear, long-range missile, chemical, and bio-

logical). This has been particularly true in the chemical and biological weapons areas, where Iraq claims to have destroyed large amounts of documentation. Therefore, it is extremely important that the monitoring regime be effective, comprehensive and sustainable. A program of this magnitude is unprecedented and will require continued, substantial assistance for UNSCOM from supporting nations. Rigorous and extensive trial and field testing will be required before UNSCOM can judge the program's effectiveness.

Of increasing concern is UNSCOM's dire financial situation. Chairman Ekeus reports that UNSCOM will have to shut down if funds are not forthcoming immediately. Without more cash, UNSCOM will have to begin phasing down its operations in December and completely disband by mid-February 1995. Some countries in the region have agreed to provide partial emergency funding. While this may take care of the immediate crisis, lack of funding will be a chronic problem.

Chairman Ekeus has told Iraq that it must establish a clear track record of compliance before he can report favorably to the Security Council. We strongly endorse Chairman Ekeus' approach and reject any attempt to limit UNSCOM's flexibility by the establishment of a timetable for determining whether Iraq has complied with Security Council Resolution 715.

The U.N. resolutions regarding Iraq do not prevent the shipment of food or medicine to that country. Between January and August of this year, the U.N. Sanctions Committee received notifications of \$2 billion worth of food and \$175 million worth of medicine to be shipped to Iraq. During the same period, the Committee approved shipments of \$2 billion worth of other items deemed to be for essential civilian needs. Meanwhile, the Government of Iraq has asked the Sanctions Committee for permission to import luxury goods such as liquor, video recorders, leather jackets, brass beds and expensive automobiles. The Iraqi government has continued to maintain a full embargo against its northern provinces and has favored its supporters and the military in the distribution of humanitarian supplies throughout the country.

The Iraqi government has refused to sell up to \$1.6 billion in oil as previously authorized by the Security Council in Resolutions 706 and 712. Talks between Iraq and the United Nations on implementing these resolutions ended unsuccessfully in October 1993. Iraq could use proceeds from such sales to purchase foodstuffs, medicines, and materials and supplies for essential civilian needs of its population, subject to U.N. monitoring of sales and the equitable distribution of humanitarian supplies (including to its northern provinces). Iraq's refusal to implement Security Council Resolutions 706 and 712 continues to cause needless suffering.

Proceeds from oil sales also would be used to compensate persons injured by Iraq's unlawful invasion and occupation of Kuwait. Of note regarding oil sales, the Security Council has engaged in discussions with Turkish officials concerning the possible flushing of Iraqi oil now in the Turkish pipeline that extends from Iraq through Turkey. The objective would be to prevent physical deterioration of the Turkish pipeline, which is a unique asset. Such a flushing of the pipeline, if conducted in a manner consistent with the U.N. sanctions regime, would produce the added benefit of fi-

nancing the import of needed food and medicine into Iraq. However, the Government of Iraq has refused to implement the flushing because it rejects international monitoring of the distribution of humanitarian goods.

The no-fly zones over northern and southern Iraq permit the monitoring of Iraq's compliance with Security Council Resolutions 687 and 688. Over the last three years, the northern no-fly zone has deterred Iraq from a major military offensive in the region. In southern Iraq, the no-fly zone has stopped Iraq's use of aircraft against its population.

Nonetheless, the Iraqi government continues its harsh campaign against its perceived enemies, throughout the country. Baghdad's campaign of economic warfare against the people of northern Iraq continues. In September, the Iraqi regime cut electrical power to the Aqrah/Shirwan districts of Dohuk Governorate. Three hundred fifth thousand people in those districts now confront a lack of water, sanitation, and hospital services. Approximately one million persons in Dohuk Governorate are now reliant on temporary generators for electricity, due to such systematic power cut-offs by the Government of Iraq. Also in northern Iraq, in the vicinity of Mosul, we are watching Iraqi troop movements carefully since Iraq's intentions are still unclear. In the south, Iraq's repression of the Shi'a population, and specifically the Marsh Arabs, and the implementation of a policy of environmental devastation represent a clear intent to target a specific area for reprisals without regard to the impact on innocent civilians. Further, Iraqi forces still wage a land-based artillery campaign in the marshes, and the shelling of marsh villages continues. In the last few years, the population of the region, whose marsh culture has remained essentially unchanged since 3500 B.C., has been reduced by an estimated three-quarters and will soon disappear altogether. The Special Rapporteur of the U.N. Commission on Human Rights (UNHRC), Max van der Stoep, continues to report on the human rights situation in Iraq, particularly the Iraqi military's repression against its civilian populations in the marshes. In his November interim report to the General Assembly, the Special Rapporteur noted the widespread phenomena of political killings, mass executions and state-sponsored terrorism throughout Iraq. He also reported the introduction by the Government of Iraq of new forms of torture, including the amputation of ears and hands and the branding of foreheads for certain economic crimes and for desertion from the military. The Special Rapporteur asserted in previous reports that the Government of Iraq has engaged in war crimes and crimes against humanity, and may have committed violations of the 1948 Genocide Convention. Regarding the Kurds, the Special Rapporteur has judged that the extent and gravity of reported violations place the survival of the Kurds in jeopardy. He also noted the extent to which the Government of Iraq represses and terrorizes the Shi'a clergy in southern cities. The Special Rapporteur has noted that there are essentially no freedoms of opinion, expression or association in Iraq. The Special Rapporteur continues to repeat his recommendation for the establishment of human rights monitors inside Iraq to improve the flow of information and to provide independent verification of reports. We continue to investigate and publicize Iraqi crimes against hu-

manity, war crimes and other violations of international humanitarian law. We will continue to insist that the Government of Iraq allow human rights monitors to be stationed inside Iraq, as called for by the Special Rapporteur.

Examples of Iraqi noncooperation and noncompliance continue in other areas. There have been several incidents in which merchant vessels have entered the Shatt-al-Arab bound for Iran but subsequently have proceeded to Iraqi ports where they have unloaded Iraqi oil. Upon exiting the Shatt-al-Arab these vessels have been diverted by the Maritime Interception Force and their embargo violations have been confirmed. Gulf states are being encouraged to take action against the vessels and oil, with the proceeds eventually being paid to the U.N. Escrow Account referred to in Security Council Resolution 778.

For more than three years, the Baghdad regime has interfered with relief operations, threatened and harassed relief workers, and refused to issue visas to such workers. We have persuasive evidence that the regime has offered "bounties" to persons willing to assassinate international personnel. U.N. and other humanitarian relief workers, as well as international journalists reporting on the humanitarian situation, have been the victims of car bombs, drive-by shootings and execution-style killings. Ten persons have been injured and two have been killed in such attacks this year.

There is also persuasive evidence linking the Government of Iraq to the July death, under suspicious circumstances, of a noted Shi'a religious figure and three members of his family. These acts are indicative of Iraq's continuing disdain for the United Nations and, in our view, also constitute violations of Security Council Resolutions 687 and 688.

We are monitoring closely the plight of the civilian population everywhere in Iraq. We will persist in our demand that the Government of Iraq comply with the relevant U.N. resolutions so that humanitarian assistance can reach all segments of the society, instead of only the supporters of Saddam Hussein. Our bilateral assistance program in the north will continue, given our access to the north and our ability to ensure that relief reaches vulnerable populations. We also will continue to make every effort, given the numerous practical constraints, to assist the populations in southern and central Iraq through U.N. humanitarian programs. Finally, we will continue to explore with our allies and Security Council partners the most effective means to compel the Government of Iraq to cooperate on humanitarian and human rights issues.

The U.N. Compensation Commission (UNCC) has received approximately 2.4 million claims thus far, with another 100,000 expected. The United States Government has filed a total of 3,100 individual claims with a total asserted value of over \$215 million. Earlier this year, one panel of UNCC Commissioners submitted its report on the first installment of individual claims for serious personal injury or death. The UNCC Commissioners' report recommended awards for a group of about 670 claimants, of which 11 were U.S. claimants. The Governing Council of the UNCC approved the panel's recommendations at its session in late May. This past summer the first U.S. claimants received compensation for their losses. A second group of claims involving death and serious per-

sonal injury is expected to be reviewed in the December Governing Council session. At its October session, the Governing Council approved the first set of awards for claimants who were forced to depart suddenly from Iraq or Kuwait during the invasion and occupation. Of the approximately 53,000 claims, close to 200 were from U.S. claimants. However, these awards cannot be paid at this time because there is not enough money in the Compensation Fund. The Governing Council began consideration of the first report and recommendations from the panel of commissioners reviewing itemized individual losses for amounts up to \$100,000 (e.g. lost salary or personal property). Due to the importance and complexity of the issues involved, the Governing Council deferred final action on the recommendations until its December session. The Governing Council also decided not to accept additional filings of late individual claims after January 1, 1995.

The United States Government also submitted a total of approximately \$1.5 billion in corporate claims against the Government of Iraq, representing about 140 business entities. Those claims represented a multitude of enterprises ranging from small family-owned businesses to large multinational corporations. In addition, in late July the United States Government filed five U.S. Government claims with the UNCC. The five claims were for nonmilitary losses, such as damage to U.S. Government property (e.g., the U.S. Embassy compound in Kuwait) and the costs of evacuating U.S. nationals and their families from Kuwait and Iraq. These U.S. Government claims have an asserted value of about \$17 million. In the future, the United States Government also expects to file one or more additional U.S. Government claim(s) involving the costs of monitoring health risks associated with oil well fires and other environmental damage in the Gulf region. The UNCC expects to begin processing corporate claims and government claims in 1995.

Iraq may rejoin the community of civilized nations only through adherence to basic norms of international behavior, adoption of democratic processes, respect for human rights and equal treatment of its people. Iraq's government should represent all of Iraq's people and be committed to the territorial integrity and unity of Iraq. The Iraqi National Congress espouses these goals, the fulfillment of which would make Iraq a stabilizing force in the Gulf region.

In summary, Iraq continues to be a threat to regional peace and security. The oil embargo and other sanctions must remain in place until Iraq demonstrates its peaceful intentions over a sustained period by fully complying with all relevant U.N. Security Council resolutions.

I appreciate the support of the Congress for our efforts, and I will continue to keep the Congress fully informed regarding this important matter.

Sincerely,

WILLIAM J. CLINTON.